

<b>DISTRICT COURT, EL PASO COUNTY, COLORADO</b> 270 S. Tejon St Colorado Springs, CO 80903	<div style="text-align: center; padding-top: 100px;"> <b>▲ COURT USE ONLY ▲</b> </div>
<b>PLAINTIFF:</b> KAYLA S. BIVINGS, <i>pro se</i>  v.  <b>DEFENDANTS:</b> ATLAS REAL ESTATE GROUP LLC and AUSTIN EDWARDS	
<i>Attorney for Defendants:</i> Meaghan E. Fischer, No. 50069 WEGENER LANE & EVANS, P.C. 743 Horizon Court, Suite 200 Grand Junction, CO 81506 Phone: (970) 242-2645 Facsimile: (970) 241-5719 E-mail: meaghan@wlelegal.com	Case No.: 2024CV510  Division: 14  Hon. Hilary Gurney
<b>DEFENDANT ATLAS REAL ESTATE GROUP, LLC AND AUSTIN EDWARDS’          INITIAL 26(a)1 DISCLOSURES</b>	

Defendants Atlas Real Estate Group, LLC and Austin Edwards (“Defendants”), by and through its counsel, Wegener, Lane & Evans, P.C., hereby provides the following Initial C.R.C.P. 26(a)(1) Disclosures:

**A. C.R.C.P. 26(a)(1)(A): Individuals Likely to Have Discoverable Information.**

The following individuals may have discoverable information on which Plaintiff may rely in support of its claims and defenses in this case:

1. Representatives of Atlas Real Estate Group, LLC, c/o Meaghan E. Fischer, Wegener Lane & Evans, 743 Horizon Ct, Suite 200, Grand Junction, CO 81506, (970) 242-2645. Representatives of Atlas Real Estate Group, LLC are the Defendants in this case and are expected to have discoverable information relevant to the claims and defenses of the Parties.

2. Austin Edwards, current Portfolio Manager of Atlas Real Estate Group, LLC, c/o Meghan E. Fischer Wegener Lane & Evans, 743 Horizon Ct, Suite 200, Grand Junction, CO 81506, (970) 242-2645. Representatives of Atlas Real Estate Group, LLC are the Defendants in this case and are expected to have discoverable information relevant to the claims and defenses of the Parties.

3. Victor L. Sulzer, Tschetter Sulzer Muccio, P.C. 3600 S Yosemite St. Suite # 828, Denver, CO 80237, Phone No. (303) 699-3484. Mr. Sulzer was the counsel representing Atlas Real Estate Group in the Unlawful Detainer Action filed with El Paso County, Colorado, County Court, Case No. 2025C30104 and may have discoverable information relevant to the claims and defenses of the Parties.

4. Andrea Paprzycki, in her official capacity as Magistrate, El Paso County, Colorado. Andrea Paprzycki is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Ms. Paprzycki may have discoverable information relevant to the claims and defenses of the parties.

5. Andrea Paprzycki, in her individual capacity. Andrea Paprzycki is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Ms. Paprzycki may have discoverable information relevant to the claims and defenses of the parties.

6. Marika Frady, in her official capacity as County Court Judge, El Paso County, Colorado. Judge Marika Frady is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Judge Marika Frady may have discoverable information relevant to the claims and defenses of the parties.

7. Marika Frady, in her individual capacity. Marika Frady is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Marika Frady may have discoverable information relevant to the claims and defenses of the parties.

8. Hilary Gurney, in her official capacity as District Court Judge, El Paso County, Colorado. Judge Hilary Gurney is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Judge Hilary Gurney may have discoverable information relevant to the claims and defenses of the parties.

9. Hilary Gurney, in her individual capacity. Hilary Gurney is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Hilary Gurney may have discoverable information relevant to the claims and defenses of the parties.

10. Scott Sosebee, in his official capacity as Court Executive, El Paso County, Colorado. Mr. Sosebee is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Mr. Sosebee may have discoverable information relevant to the claims and defenses of the parties.

11. Scott Sosebee, in his individual capacity. Mr. Sosebee is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Mr. Sosebee may have discoverable information relevant to the claims and defenses of the parties.

12. Jessica Yates, in her official capacity as Chief Regulation Counsel of the Colorado Office of Attorney Regulation Counsel. Jessica Yates is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Jessica Yates may have discoverable information relevant to the claims and defenses of the parties.

13. Jessica Yates, in her individual capacity. Jessica Yates is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. Jessica Yates may have discoverable information relevant to the claims and defenses of the parties.

14. Office of Attorney Regulation Counsel. The Office of Attorney Regulation Counsel is a Defendant in a federal lawsuit involving Plaintiff Kayla S. Bivings. See: U.S. District Court – District of Colorado, case no. 1:25-cv-00722-RTG. The Office of Attorney Regulation Counsel may have discoverable information relevant to the claims and defenses of the parties.

15. Any and all persons identified or disclosed by any other party to this litigation.

16. Defendants reserve the right to identify additional witnesses as well as provide the names, addresses, telephone numbers and pertinent information of those individuals, including expert witnesses, as soon as the same becomes known to it. However, supplemental disclosures are not necessary and will not be made as to any witness or document identified and/or produced to each party through discovery and/or investigation.

**B. C.R.C.P. 26(a)(1)(B): Documents.**

1. Rental Agreement between DWF VI Atlas SFR – CO, LLC d/b/a Atlas Real Estate Group, LLC and Kayla S. Bivings, dated July 18, 2024, Bates stamped *ATLAS 000001-000034*.

2. Email and Text correspondences among Atlas Real Estate Group, LLC, Austin Edwards and Plaintiff, Bates stamped *ATLAS 000035-000191*.

3. Payment Plan Agreement among Atlas Real Estate, Austin Edwards and Kayla S. Bivings, dated August 21, 2024, Bates stamped *ATLAS 000192-000193*.
4. Payment ledger, Bates stamped *ATLAS 000194-000199*.
5. Demand for Compliance or Possession, dated November 25, 2024, Bates stamped *ATLAS 000200-000203*.
6. Mediation Advisement, dated December 20, 2024, Bates stamped *ATLAS 000204*.
7. Certificate of Mediation/ADR Compliance, dated December 21, 2024, Bates stamped *ATLAS 000205-000206*.
8. Complaint Unlawful Detainer and subsequent orders in case no. 25C30104, El Paso County, Colorado, Bates stamped *ATLAS 000207- 000224*.
9. Complaint and subsequent pleadings in case no. 1:25-cv-00722-RTG, U.S. District Court, District of Colorado, Bates stamped *ATLAS 000225-000259*.
10. Claim File, Bates stamped *ATLAS 000260-000348 (premium amounts, reserve amounts, and privileged correspondence have been redacted)*.

The foregoing documents can be downloaded at the link below:

[https://www.dropbox.com/scl/fo/o1skh9z4wxxqt3be539k8/AI9pxM95G\\_v8sHIsWYmRPM?rlkey=4pzsiejzsl6zm63nq99p1t3m&st=qtib8qkf&dl=0](https://www.dropbox.com/scl/fo/o1skh9z4wxxqt3be539k8/AI9pxM95G_v8sHIsWYmRPM?rlkey=4pzsiejzsl6zm63nq99p1t3m&st=qtib8qkf&dl=0)

### PRIVILEGE LOG

BATES NUMBER	TYPE	PRIVILEGE
ATLAS	Nautilus claim file and notes, as well as emails between Nautilus representatives, insured (Atlas Real Estate Group and Austin Edwards), and counsel (Meaghan Fischer).	Attorney-client privilege, work product, and investigation in anticipation of litigation, including mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation. <i>Compton v. Safeway, Inc.</i> , 169 P.3d 135 (Colo. 2007); <i>Cardenas v. Jerath</i> , 180 P.3d 415 (Colo. 2008); CRCP 26(b)(3); CRCP 26(b)(5).

		Confidential reserve information. <i>Silva v. Basin Western</i> , 47 P.3d 1184 (Colo. 2002); <i>Sunahara v. State Farm</i> , 280 P.3d 649 (Colo. 2012).
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The following categories, as well as any listed above, are protected by the attorney-client privilege and/or work product doctrine and/or expert consultant privileges and protections and will not be provided:

**NOTE: By listing any documents on the privilege log, Defendant does not admit that any or all of the documents are relevant.**

1. Any documents or persons with knowledge developed as part of work product after suit was commenced and during litigation are considered privileged and no supplement hereto will be made as to the same.

2. All documents generated after litigation became reasonably imminent and before the commencement of this litigation are considered privileged and protected.

3. File materials compiled after the commencement of this litigation. Those files contain confidential attorney/client communications, mental impressions and work product, and trial preparation materials; and, therefore, the files are privileged.

**C. C.R.C.P. 26(a)(1)(C): Damages.**

Defendant is not claiming damages at this time but reserves the right to seek an award for attorney's fees and costs in accordance with Colorado law and as provided in the parties' Lease Agreement.

**D. C.R.C.P. 26(a)(1)(D): Insurance.**

Defendant is insured through a policy of insurance by Nautilus Insurance Company. A copy of the policy is being produced herewith.

- a. Nautilus Insurance Policy, No. BN966680, Bates stamped *ATLAS 000277-000339* (*premium amounts have been redacted*).

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These Initial Disclosures and their contents represent the product of the investigation to date. Discovery is ongoing and further investigation and discovery may bring light to additional

information that may have a bearing on Defendant's theories in this case. Accordingly, these Initial Disclosures are not intended to represent Defendant's complete prosecution of the case but are merely preliminary until further information is obtained.

Respectfully submitted this 14<sup>th</sup> day of March 2025.

WEGENER LANE & EVANS, P.C.

*/s/ Meaghan E. Fischer, Original signature on file  
in the Law Offices of Wegener Lane & Evans, P.C.*

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Meaghan E. Fischer, Esq.

Reg. No. 50069

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **DEFENDANT ATLAS REAL ESTATE GROUP, LLC AND AUSTIN EDWARDS' INITIAL 26(a)1 DISCLOSURES** was served this 14<sup>th</sup> day of March, 2025, via CCEF procedures to the following:

Kayla S. Bivings  
1312 17<sup>th</sup> Street, #1573  
Denver, CO 80202  
Email: [bivingsk88@gmail.com](mailto:bivingsk88@gmail.com)  
*Plaintiff, pro se*

/s/ Brenda Wiseman  
Brenda Wiseman, Paralegal